

Senate Bill 75

By: Senators Seabaugh of the 28th, Smith of the 52nd, Hill of the 32nd, Carter of the 13th, Thomas of the 54th and others

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 33-3-27 of the Official Code of Georgia Annotated, relating to reports of awards under medical malpractice insurance policies, so as change certain provisions relating to the types of awards that are reported; to amend Code Section 43-34-37 of the Official Code of Georgia Annotated, relating to the authority to refuse to license or discipline a physician, investigation, and enforcement, so as to change provisions relating to investigations of certain matters; to provide for definitions; to provide for additional investigation and assessment under certain circumstances; to provide for implementation of certain matters contingent upon funding; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 33-3-27 of the Official Code of Georgia Annotated, relating to reports of awards under medical malpractice insurance policies, is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b) Every insurer providing medical malpractice insurance coverage in this state shall notify in writing the Composite State Board of Medical Examiners when it pays a judgment ~~in excess of \$10,000.00~~ or enters into an agreement to pay an amount ~~in excess of \$10,000.00~~ to settle a medical malpractice claim against a person authorized by law to practice medicine in this state; ~~such~~ Such judgments or agreements shall be reported to the board regardless of the dollar amount ~~if the records of the insurer establish that there have been two or more previous judgments against or settlements with a licensed physician which relate to the practice of medicine~~. Such notice shall be sent within 30 days after the judgment has been paid or the agreement has been entered into by the parties involved in the claim."

**SECTION 2.**

Code Section 43-34-37 of the Official Code of Georgia Annotated, relating to the authority to refuse to license or discipline a physician, investigation, and enforcement, is amended by striking subsection (i) and inserting in lieu thereof the following:

"(i)(1) The board shall investigate a licensee's or permit holder's fitness to practice medicine if the board has received ~~regarding that licensee~~ a notification, pursuant to Code Section 33-3-27, regarding that licensee or permit holder of a medical malpractice judgment or settlement in excess of \$100,000.00 or a notification pursuant to Code Section 33-3-27 that there have been two or more previous judgments against or settlements with the licensee or permit holder relating to the practice of medicine involving an action for medical malpractice. Every licensee or permit holder shall notify the board of any settlement or judgement involving the licensee ~~and relating to the practice of medicine in excess of \$20,000.00~~ or permit holder involving an action for medical malpractice.

(2) As used in this subsection, the terms:

(A) 'Action for medical malpractice' shall have the same meaning as provided in Code Section 9-3-70.

(B) 'Permit holder' means a temporary postgraduate training permit issued by the board to a graduate of a board approved medical or osteopathic school who is enrolled in a postgraduate training program deemed acceptable by the board and who does not currently hold a full and unrestricted license in this state.'

**SECTION 3.**

Said Code section is further amended by adding a new subsection (j) to the end of the Code section to read as follows:

"(j) The board shall conduct an assessment of and may investigate a licensee's fitness to practice medicine if it has disciplined the licensee three times in the last ten years as a result of an action for medical malpractice. The assessment shall include an examination of the licensee's entire history with respect to the practice of medicine and a one day on-site visit to the licensee's current practice location. The assessment shall be completed within six months of the third disciplinary action. As a result of its findings the board may take any action it deems necessary to reduce medical errors and promote patient safety, including revocation, suspension, or limiting the licensee's license or requiring additional clinical training, additional continuing medical education, proctoring, or referral to appropriate rehabilitation facilities. As used in this subsection the term 'action for medical malpractice' shall have the same meaning as provided in Code Section 9-3-70."

**SECTION 4.**

(a) Sections 1 and 2 of this Act shall become effective on July 1, 2005.

(b) Section 3 of this Act shall become effective only upon the effective date of a specific appropriation of funds for the purposes of Section 3 of this Act as expressed in a line item making specific reference to the full funding of Section 3 of this Act in an appropriations Act enacted by the General Assembly.

**SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.